



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

December 12, 2002

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Mr. Keith Lewinger
General Manager
Fallbrook Public Utility District
990 East Mission Road
P.O. Box 2290
Fallbrook, California 92088-2290

File No. 01-0115.01

Dear Mr. Lewinger:

Administrative Assessment of Mandatory Minimum Penalties Against Fallbrook Public Utility District, Order No. R9-2002-0383

Enclosed is a copy of *Order No. R9-2002-0383, Administrative Assessment of Civil Liability Against Fallbrook Public Utility District, Violation of Order No. 2000-0012, NPDES Permit No. CA0108031, Waste Discharge Requirements For Fallbrook Public Utility District, Wastewater Treatment Plant No. 1, Discharges To The Pacific Ocean Via The Oceanside Ocean Outfall, San Diego County* adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on December 11, 2002 in the amount of \$87,000. Pursuant to California Water Code section 13323 (d), payment of civil liability shall be made not later than thirty (30) days from the date of issuance by means of a cashier's check made payable to the California State Water Resources Control Board and delivered to the Regional Board. Administrative enforcement for noncompliance with Order No. R9-2002-0383 and Order No. 2000-0012 are severe and include administrative civil liability of up to \$10,000 for each day in which the violation occurs, criminal prosecution or both.

Be advised that Fallbrook Public Utility District continues to be regulated under Order No. 2000-0012. Please contact Frank Melbourn of my staff at (858) 467-2973 or by e-mail at melbf@rb9.swrcb.ca.gov if you have any questions concerning this matter

Sincerely,

JOHN H. ROBERTUS
Executive Officer

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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Mr. Keith Lewinger
General Manager
Fallbrook Public Utility District
MMP Order No. R9-2002-0383

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December 12, 2002

JHR:mpm:b?k:mja:ftm

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Fallbrook Public Utility District, Violation of Order No. 2000-0012, NPDES
Permit No. CA0108031, Waste Discharge Requirements For Fallbrook Public
Utility District, Wastewater Treatment Plant No. 1, Discharges To The Pacific
Ocean Via The Oceanside Ocean Outfall, San Diego County

Copies to: Steve Fuller, US EPA, Region IX
Marco Gonzalez, Surfrider Foundation
Laura Hunter, Environmental Health Coalition
Bruce Reznik, San Diego BayKeeper

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California Environmental Protection Agency

 Recycled Paper

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2002-0383
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
FALLBROOK PUBLIC UTILITY DISTRICT
VIOLATION
OF

ORDER NO. R9-2000-0012, NPDES PERMIT NO. CA0108031
WASTE DISCHARGE REQUIREMENTS FOR FALLBROOK PUBLIC UTILITY DISTRICT
WASTEWATER TREATMENT PLANT NO. 1
DISCHARGES TO THE PACIFIC OCEAN VIA THE OCEANSIDE OCEAN OUTFALL
SAN DIEGO COUNTY

The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on December 11, 2002, to hear evidence and comments on the allegations contained in Complaint No. R9-2002-0308, dated October 24, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$87,000 finds as follows:

1. Fallbrook Public Utility District (hereinafter Fallbrook PUD) owns and operates the Wastewater Treatment Plant No. 1 (hereinafter Treatment Plant No. 1) located at 1425 South Alturas Street, Fallbrook, California. Fallbrook PUD discharges an average dry weather flowrate of 2.7 million gallons per day (MGD) of tertiary treated wastewater to the Pacific Ocean through the Oceanside Ocean Outfall pursuant to Order No. R9-2000-0012. The Regional Board adopted Order No. R9-2000-0012 on February 9, 2000.
2. During the months of April, May and September 2001, and June 2002 Fallbrook PUD discharged waste in violation of effluent limits contained in Order No. R9-2000-0012 on 31 occasions. These violations are summarized in attached Table 1, *Violation Summary for Fallbrook PUD, Plant No. 1 (April 2001 through June 2002)*.
3. Water Code section 13385 requires imposition of "mandatory minimum penalties" for these violations.
4. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board prior to the hearing supports assessment of civil liability pursuant to Water Code section 13385(i) in the amount of \$87,000 as detailed in Table 1.
5. The Regional Board incurred costs totaling \$6,800, to prosecute this enforcement action; the costs include investigation, preparation of enforcement documents, and communication with the Discharger.

6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on Fallbrook Public Utility District in the amount of eighty-seven thousand dollars (\$87,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 11, 2002.

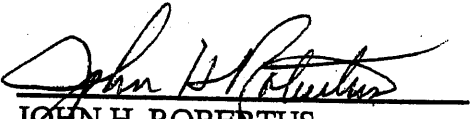

JOHN H. ROBERTUS
Executive Officer

Table 1.
Violation Summary for Fallbrook PUD, Plant No. 1 (April 2001 through June 2002)

Date	Violation	Viol. ID No.	Permit Limit	Report Value	Ratio Report to Permit	Pollutant Category	Chronic or Serious	Penalty
1 04/16/2001	CBOD any time max	114787	45 mg/l	220 mg/l	4.9	CAT1	Serious	\$3,000
2 04/16/2001	CBOD any time max	114788	730 lbs/day	2766.3 lbs/day	3.8	CAT1	Serious	\$3,000
3 04/16/2001	TSS any time max	114789	50 mg/l	430 mg/l	8.6	CAT1	Serious	\$3,000
4 04/16/2001	TSS any time max	114790	810 lbs/day	5406.9 lbs/day	6.7	CAT1	Serious	\$3,000
5 04/16/2001	TSS 7-day average	114812	45 mg/l	72.8 mg/l	1.6	CAT1	Serious	\$3,000
6 04/16/2001	CBOD 7-day avg.	114792	40 mg/l	44.6 mg/l	1.1	CAT1	Chronic	\$3,000
7 04/16/2001	TSS 7-day average	114799	730 lbs/day	918.7 lbs/day	1.3	CAT1	Chronic	\$3,000
8 04/17/2001	TSS 7-day average	114813	45 mg/l	78.9 mg/l	1.8	CAT1	Serious	\$3,000
9 04/17/2001	CBOD 7-day avg.	114793	40 mg/l	45.1 mg/l	1.1	CAT1	Chronic	\$3,000
10 04/17/2001	TSS 7-day average	114800	730 lbs/day	989.0 lbs/day	1.3	CAT1	Chronic	\$3,000
11 04/18/2001	TSS 7-day average	114814	45 mg/l	82 mg/l	1.8	CAT1	Serious	\$3,000
12 04/18/2001	TSS 7-day average	114801	730 lbs/day	1024.7 lbs/day	1.4	CAT1	Serious	\$3,000
13 04/18/2001	CBOD 7-day avg.	114794	40 mg/l	45.9 mg/l	1.1	CAT1	Chronic	\$3,000
14 04/19/2001	TSS 7-day average	114815	45 mg/l	81 mg/l	1.8	CAT1	Serious	\$3,000
15 04/19/2001	CBOD 7-day avg.	114795	40 mg/l	44.3 mg/l	1.1	CAT1	Chronic	\$3,000
16 04/19/2001	TSS 7-day average	114802	730 lbs/day	1007.0 lbs/day	1.3	CAT1	Chronic	\$3,000
17 04/20/2001	TSS 7-day average	114816	45 mg/l	79 mg/l	1.8	CAT1	Serious	\$3,000
18 04/20/2001	CBOD 7-day avg.	114796	40 mg/l	42.9 mg/l	1.1	CAT1	Chronic	\$3,000
19 04/20/2001	TSS 7-day average	114803	730 lbs/day	990 lbs/day	1.3	CAT1	Chronic	\$3,000
20 04/21/2001	TSS 7-day average	114817	45 mg/l	90 mg/l	2.0	CAT1	Serious	\$3,000

Table 1.
Violation Summary for Fallbrook PUD, Plant No. 1 (April 2001 through June 2002)

Date	Violation	Viol. ID No.	Permit Limit	Report Value	Ratio Report to Permit	Pollutant Category	Chronic or Serious	Penalty
21 04/21/2001	TSS 7-day average	114805	730 lbs/day	1113.4 lbs/day	1.5	CAT1	Serious	\$3,000
22 04/21/2001	CBOD 7-day avg.	114797	40 mg/l	45.4 mg/l	1.1	CAT1	Chronic	\$3,000
23 04/22/2001	TSS 7-day average	114818	45 mg/l	88 mg/l	2.0	CAT1	Serious	\$3,000
24 04/22/2001	TSS 7-day average	114807	730 lbs/day	1098.4 lbs/day	1.5	CAT1	Serious	\$3,000
25 04/22/2001	CBOD 7-day avg.	114798	40 mg/l	43.5 mg/l	1.1	CAT1	Chronic	\$3,000
26 05/13/2001	TSS any time max	114819	50 mg/l	66 mg/l	1.3	CAT1	Chronic	\$3,000
27 09/24/2001	TSS any time max	114754	50 mg/l	73 mg/l	1.5	CAT1	Serious	\$3,000
28 09/24/2001	TSS any time max	114755	810 lbs/day	947 lbs/day	1.2	CAT1	Chronic	\$3,000
29 06/03/2002	TSS any time max	118668	50 mg/l	60.4 mg/l	1.2	CAT1	Chronic	\$0
30 06/04/2002	CBOD any time max	118669	45 mg/l	51.7 mg/l	1.1	CAT1	Chronic	\$0
31 06/04/2002	TSS any time max	118667	50 mg/l	79.0 mg/l	1.6	CAT1	Serious	\$3,000
Total \$87,000								